

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JONI EADES and LEVERE C. PIKE, JR.

Docket No.: 12-cv-6680

Plaintiffs,

-against-

NOTICE OF MOTION

KENNEDY, PC LAW OFFICES,


Defendant.

PLEASE TAKE NOTICE, that upon the attached affirmation of Kira Tsiring, Esq. affirmed on this 19th day of February 2013, with exhibits and the Memorandum of Law, defendant will move this court in the United States Courthouse, 100 State Street Rochester, NY 14614, on the date and time to be determined by the Court, for an order pursuant to Rule 12(b)(2), Rule 12(b)(3) and Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing plaintiff's Complaint in its entirety.

PLEASE TAKE FURTHER NOTICE, that defendant wishes to file a reply brief.

Dated: New York, New York
February 19, 2013

Yours, etc.,
MELITO & ADOLFSSEN P.C.

By: 
John H. Somoza, Esq. (JHS 1801)
Kira Tsiring, Esq. (KT 3436)
Melito & Adolfsen P.C.
Attorneys for Defendant
Kennedy P.C. Law Offices
233 Broadway, Suite 1010
New York, New York 10279
(212) 238-8900

To: Seth J. Andrews, Esq.
THE LAW OFFICES OF KENNETH HILLER, PLLC
6000 North Bailey Ave., Suite 1A
Amhurst, New York 14226

AFFIDAVIT OF SERVICE BY FIRST CLASS MAIL

CITY OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JANINA MATYS, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at BROOKLYN, NEW YORK.

That on 19th day of February, 2013 deponent served the within **NOTICE OF MOTION** upon:

Seth J. Andrews, Esq.
THE LAW OFFICES OF KENNETH HILLER, PLLC
6000 North Bailey Ave., Suite 1A
Amhurst, New York 14226

Attorneys for Plaintiff in this action, at the above address designated by said *attorneys* for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


JANINA MATYS

Sworn to before me this
19th day of February, 2013


Notary Public

KIRA TSIRING
Notary Public, State of New York
No. 02TS6185561
Qualified in Kings County
Commission Expires April 21, 2016